

REMARKS

In the **non-final** Office Action mailed April 14, 2011 the Office noted that claims 1-17 and 19-22 were pending and rejected claims 1-17 and 19-22. Claims 1-17 and 19-22 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 102

Claims 1, 2, 6-8, 11-18, 20 and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Coile, U.S. Patent No. 6,108,300. The Applicants respectfully disagree and traverse the rejection with an argument.

The present claims are directed to performing a switch-over **within a data computing device**, whereas Coile discusses transferring a network function **from a primary network device to a backup network device**.

Hence, Coile is not related to the same field as the claims. Hence, the disclosure of Coile that is related to switch-over between data computing devices each operating as a network device cannot constitute anticipation of claims that concerns switch-over within a single data computing device.

Further, even if the principal difference in the fields of the disclosure of Coile and the claimed invention were misleadingly and incorrectly ignored, Coile is still incapable of anticipating the independent claims.

The independent claims recite the following subject matter:

a) a data computing device comprises a first unit and a protection pair unit,

b) a configurable integrated circuit of said first unit is arranged to send a signal that signals a need for the switch-over in real time based data communication to a configurable integrated circuit of the protection pair unit,

c) said configurable integrated circuit of said protection pair unit is structured and arranged to perform the switch-over independently of a CPU, when the switch-over is needed.

The abstract of Coile teaches: "The backup **network device first detects** that the primary network device has failed. **The backup network device then sends a message to the primary network device** indicating to the primary network device that the primary network device has failed." (Emphasis added)

The above teaching in Coile is contrary to the above-presented feature b) of the independent claims because, in the claimed technical solution, the first unit, i.e. not the protection unit that constitutes the backup, is arranged to send the signal that signals the need for the switch-over to the protection pair unit that constitutes the backup.

Coile col. 6, line 60 through col. 7, line 6 states  
The confirmation messages sent along the failover cable

compliment the confirmation messages sent via the network. ***When one of the network devices fails*** or determines that the other network device has failed, then ***a failure message indicating either that the sending network device has failed or that the receiving network device has failed is generated by the network device that determines that a failure has occurred.*** Since each network device receives an update of the status of the other network device from both the network and the failover cable, ***the backup network device learns of a failure in the primary network device*** and the primary network device learns of any failure in the backup network device. The backup network device becomes active upon confirmation of a failure in the primary network device. [Emphasis added]

Coile is silent about how a failure message generated by the primary network device and sent to the backup network device is handled within the backup network device.

Therefore, Coile does not teach that the failure message would be sent within the backup network device to a configurable integrated circuit (or the like) which is structured and arranged to perform the switch-over independently of a CPU of the backup network device, i.e. Coile does not teach the above-mentioned technical feature c) of the independent claims. It is natural that Coile is silent about this issue because the disclosure of Coile is related to switch-over between separate data computing devices each operating as a network device but not to switch-over within a single data computing device.

Hence, the independent claims of the present application are novel over the disclosure of Coile.

The above-cited technical features a) - c) of the independent claims indicate that, in the claimed technical

solution, the first unit of the data computing device sends to the protection pair unit of the said data computing device a signal indicating the need for the switch-over. This makes it possible that the protection pair unit can (itself) perform the switch-over independently of a CPU, when the switch-over is needed.

Hence, in the claimed technical solution, the signaling within the data computing device is arranged in a way that the protecting pair unit is made capable of itself carrying out the switch-over.

Therefore, the switch-over can be fast which is especially important in conjunction with real time based data communication.

Coile does not teach this principle, which is natural because Coile is related to switch-over between separate data computing devices each operating as a network device but not to switch-over within a single data computing device.

For at least the reasons discussed above, claims 1, 13 and 15 and the claims dependent therefrom are not anticipated by Kawase.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 3-5, 9, 10 and 22 stand rejected under 35 U.S.C. § 103(a) as being obvious over Coile in view of Shabtay, U.S.

Patent No. 7,093,027. The Applicants respectfully disagree and traverse the rejection with an argument.

Shabtay adds nothing to the deficiencies of Coile as applied against the independent claims. Therefore, for at least the reasons discussed above, Coile and Shabtay, taken separately or in combination, fail to render obvious claims 3-5, 9, 10 and 22.

Claim 14 stands rejected under 35 U.S.C. § 103(a) as being obvious over Coile in view of Blackmon, U.S. Patent No. 7,324,500. The Applicants respectfully disagree and traverse the rejection with an argument.

Blackmon adds nothing to the deficiencies of Coile as applied against the independent claims. Therefore, for at least the reasons discussed above, Coile and Blackmon, taken separately or in combination, fail to render obvious claim 14.

Withdrawal of the rejections is respectfully requested.

#### SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 102 and 103. It is also submitted that claims 1-17 and 19-22 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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